**EXECUTIVE SUMMARY OF THE STUDY** 

# FOOD AND NUTRITION INSECURITY IN GUARANI AND KAIOWÁ LAND RECOVERIES









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# Brasília, December 2023

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# FIAN Brasil - Organisation for the Human Right to Adequate Food and Nutrition

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# LIST OF ACRONYMS

AJI - Indigenous Youth Action of Dourados (Articulação dos Jovens Indígenas de Dourados)

Apib - Articulation of Indigenous Peoples of Brazil (Articulação dos Povos Indígenas do Brasil)

Caae - Certificate of presentation of ethical appreciation (Certificado de apresentação de apreciação ética)

CESCR - Committee on Economic, Social, and Cultural Rights

Cimi - Indigenist Missionary Council (Conselho Indigenista Missionário)

CNJ - National Justice Council (Conselho Nacional de Justiça)

CNV - National Truth Commission (Comissão Nacional da Verdade)

Conab - National Supply Company (Companhia Nacional de Abastecimento)

Conep - National Research Ethics Commission (Comissão Nacional de Ética em Pesquisa)

Dsei - Special Indigenous Health District (Distrito Sanitário Especial Indígena)

Ebia - Brazilian Food and Nutrition Insecurity Scale (Escala Brasileira de Insegurança Alimentar e Nutricional)

FNS - Food and nutrition security

FNI - Food and nutrition insecurity

Funai - National Indian Foundation (Fundação Nacional do Índio)

GLO - Guarantee of law and order

IACHR - Inter-American Commission on Human Rights

IBGE - Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística)

ICESCR - International Covenant on Economic, Social, and Cultural Rights

ILO - International Labour Organization

ISA - Socio-Environmental Institute (Instituto Socioambiental)

MPF - Federal Public Ministry (Ministério Público Federal)

MPGK - Guarani and Kaiowá Teachers Movement (Movimento de Professores Guarani e Kaiowa)

PAA - Food Acquisition Program (Programa de Aquisição de Alimentos)

PM - Military Police (Polícia Militar)

Pnae - National School Meals Program (Programa Nacional de Alimentação Escolar)

RAJ - Guarani and Kaiowá Youth Assembly (Retomada Aty Jovem)

Rede PENSSAN - Brazilian Network of Research on Food and Nutritional Sovereignty and Security (Rede Brasileira de Pesquisa em Soberania e Segurança Alimentar e Nutricional)

RtFN - Human right to adequate food and nutrition



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# INTRODUCTION

he state of Mato Grosso do Sul (MS) comprises the third largest indigenous population in Brazil (116,344 people)¹. It is predominantly made up of the Guarani Ñandeva people (who self-identify as Guarani), Guarani Kaiowá (self-identified as Kaiowá), and Terena. According to the 2022 Census data, out of the total indigenous population in MS, 63% are not located in territories recognised by the Brazilian state.

Since the arrival of the Portuguese in the territory now known as Brazil, the Guarani and Kaiowá have suffered multiple human rights violations. At the beginning of the 20th century, these violations worsened, especially following the forced removal of Indigenous Peoples from traditional territories by the then Indian Protection Service (Serviço de Proteção ao Índio, SPI), which began in 1915.

Over the last few decades, violations have been systematically documented and denounced, both by the Brazilian State itself and by national entities and institutions, such as the Indigenist Missionary Council (Conselho Indigenista Missionário, Cimi), FIAN Brasil and Justiça Global; by international organisations, such as FIAN International; and by indigenous organisations themselves, such as Aty Guasu (Great Assembly of Guarani and Kaiowá), Kuñangue Aty Guasu (Great Assembly of Guarani and Kaiowá Women), Kuñangue Jeroky Guasu Marangatu (Great Sacred Dance of Women), Youth Assembly (Retomada Aty Jovem, RAJ), the Guarani and Kaiowá Teachers Movement (Movimento de Professores Guarani e Kaiowá, MPGK), the Indigenous Youth Action of Dourados (Articulação dos Jovens Indígenas de Dourados, AJI) and the Articulation of Indigenous Peoples of Brazil (Articulação dos Povos Indígenas do Brasil, Apib).

In 2013, FIAN Brasil, in partnership with Cimi and a group of researchers, carried out research to investigate socioeconomic factors and assess food and nutrition insecurity (FNI) in three indigenous communities in MS<sup>2</sup>. The results were published in the report *The Human Right to Adequate Food and Nutrition of the Guarani and Kaiowá People: A Holistic Approach* (Franceschini, 2016).' At the time, all 75 households where children and young people lived suffered some degree of FNI. The results of the 2013 study and of the one carried out in 2023, on which this summary is based, will be analysed later.

The 2013 findings led to the conclusion that hunger and FNI are directly related to the denial of access to traditionally occupied lands. The non-demarcation of territories leads to several violations and insecurities beyond food, which include health, environmental, territorial, water and patrimonial dimensions.

In view of the authorities' inaction for more than a century, our organisations have been carrying out international advocacy to hold the Brazilian State accountable. One of these measures consisted of a petition to the Inter-American Commission on Human Rights (IACHR) in 2016. In addition to the three communities studied in 2013 (Guaiviry, Kurusu Ambá and Ypo'i), the petition included Apyka'i and Ñande Ru Marangatu. These five localities share the historic struggle for the recovery (*retomada*)<sup>3</sup> of their ancestral territories, the stagnant demarcation process and violent deaths of leaders.

This executive summary presents a synthesis of the results of the research carried out in 2023, which reassesses the situation of the three territories previously visited and includes two other communities in the diagnosis.

- 1. Data from the Brazilian Institute of Geography and Statistics (IBGE) Census of 2022. Press Release (MS).
- 2. Guaiviry, Kurusu Ambá and Ypo'i.
- 3. Retomada, literally "re-take", is the self-determined recovery of traditional territories by Indigenous People in the face of the slowness of the State. Brazilian constitutional law states that such territories are original, therefore, congenital and prior to the Brazilian State. In international law, it is understood that the recognition of indigenous territories, by a Member State, is independent of demarcation processes. The State should only recognise them (Inter-American Human Rights System).

# 2. THE REALITY OF INDIGENOUS PEOPLES IN BRAZIL AND THE GUARANI AND KAIOWÁ

# 2.1 Brief History and Situation

For Indigenous Peoples, lands, rivers, forests, mountains, and valleys were considered vital forces, in a complementary relationship with the community, while for colonisers, they represented "natural resources" to be plundered. The European invasion promoted dynamics of exploitation such as regimes of servitude and slavery. Since colonisation, Indigenous Peoples have faced genocide/ethnocide, perpetrated through atrocities such as territorial expropriation, massacres, abuse of power, and denial of basic rights.

At the time of the Republic, the Brazilian State's disrespect and non-compliance with its duty to protect and guarantee the rights of Indigenous Peoples is recorded scathingly by the *Figueiredo Report*, from 1967, and again denounced by the National Truth Commission (Comissão Nacional da Verdade, CNV), established in 2012. The two investigations report several crimes operated with state consent, including by indigenous bodies – the Indian Protection Service, from 1910 to 1967, and the National Indian Foundation (Fundação Nacional do Índio, Funai)<sup>4</sup>, from then on.

During the Covid-19 pandemic, indigenous policies were dismantled, which included the militarisation of Funai. The period was marked by genocidal practices<sup>5</sup>, with the opening of land for activities such as mining, the distribution of chloroquine, and the abandonment of the Special Secretariat for Indigenous Health (Sesai). This fact resulted in denial of services and food distribution on demarcated lands and those in litigation.

Anti-indigenous practices and policies permeate the Legislative, Executive, and Judicial branches of government. This scenario can be seen in statements by heads of state and political-legal threats, such as the *marco temporal* thesis, which, despite being overturned in the Federal Supreme Court and vetoed by the President of the Republic, resurfaces in Law 14,701/2023, approved by the National Congress. In addition to applying the marco temporal, the law violates and alters fundamental aspects of the Brazilian Constitution, weakening demarcation processes and paving the way for socio-environmental destruction on indigenous lands.

<sup>4.</sup> In 2023, Funai's name was changed to the National Foundation of Indigenous Peoples.

<sup>5.</sup> In April 2023, at least four petitions about crimes against indigenous communities in Brazil committed during the Bolsonaro government were under analysis by the International Criminal Court. See: <a href="https://noticias.uol.com.br/colunas/jamil-chade/2023/04/25/em-haia-denuncia-contra-bolsonaro-ganha-forca-e-mobiliza-investigadores.htm">https://noticias.uol.com.br/colunas/jamil-chade/2023/04/25/em-haia-denuncia-contra-bolsonaro-ganha-forca-e-mobiliza-investigadores.htm</a>.

The marco temporal ("Time Frame" or "Temporal Milestone") thesis attributes the right to traditional territories only to those Indigenous Peoples who were settled on their territories on the date of the promulgation of the Federal Constitution (October 5, 1988), ignoring the fact that several Peoples were forcibly removed from their territory before that date. This includes the Guarani and Kaiowá Peoples, who were arbitrarily confined to indigenous reserves established by the SPI between 1915 and 1928. Currently, out of the 1,391 indigenous

lands and territorial demands existing in Brazil, 62% are awaiting the administrative regularisation of this land (referred to as "demarcation") As indicated by a survey by Cimi (2023): among the 867 indigenous lands with pending issues, at least 588 have not received any action from the State for their demarcation. As a reflection of this situation, the quadrennium from 2019 to 2022, the brutal figure of 795 indigenous people murdered and 535 cases of suicide was recorded (Cimi, 2023).

# 2.2 Brief History of the Violations, based on the Emblematic Communities Studied

The Guarani and Kaiowá are part of the larger group called the Guarani Peoples, present in four countries in the lowlands of South America. They traditionally occupy a large territory located in the Brazilian Center-West Region, in the southern cone of Mato Grosso do Sul (MS), close to the border with Paraguay. They live in the *tekoha* ("the place where one is from"), their sacred territories, which are fundamental for the reproduction of their culture and way of life, formed by networks and relationships between extended families, relatives, shamans and other beings that inhabit the cosmos.

The Paraguayan War, at the end of the 19th century, marked the intensification of the Brazilian State's colonising policies. Borders were imposed on the territory of the Guarani and Kaiowá Peoples and large portions were conceded to private exploration. In the following decades, the policy of creating indigenous reserves violently deterritorialised communities to enclose them in small portions of arbitrarily defined lands (Brand, 2004).

It was in the 1970s, during the military dictatorship, that the so-called "Green Revolution" made the planting of soybeans and corn the main extractive farming activity, which resulted in the intensive destruction of the forest and the felling of old trees. Once again, many families were removed.

Contemporaneously, what defines human rights violations, socio-territorial conflicts and the insecurities experienced by the Guarani and Kaiowá are the exponential invasions of their traditional territories: by agro-industrial corporations, landowners, luxury condominiums, illegal prisons, and the expansion of megaprojects of infrastructure for the flow of commodities. Conflicts materialise in attacks by armed militias formed by farmers / land owners (fazendeiros) and their rural unions, paramilitary actions and military operations without judicial authorisation, promoted by state public security forces or even by the National Public Security Force (Força Nacional de Segurança Pública).

The extractive-industrial-concentration model understood by agribusiness is strongly represented in the three powers that structure the Brazilian State. In the Legislature, the ruralist bench is responsible for drafting and defending anti-indigenous bills. Agribusiness and this group are part of the transnational lobby, which involves financing by national and international corporations for economic exploration and the production of *commodities*.

The scenario of helplessness and retaliation is reflected in murder and mortality rates nearing those in war zones. By international parameters, violence against the Guarani and Kaiowá in MS can be qual-

ified as endemic (Morais, 2017). Between 2003 and 2019, the state accounted for 39.4% of indigenous murders recorded across the country (539 of the total of 1,367). From 2000 to 2019, 834 indigenous suicides were recorded, 63.7% – almost two thirds – of the cases in Brazil (ISA, 2021).

State actions often result in victims, as in the episode called the Guapo'y Massacre, which occurred on June 24, 2022. In an action coordinated by the State Secretariat of Justice and Public Security, the Military Police (PM) evicted the Guapo'y Mirim Tujury re-occupied territory. On that occasion, Vitor Fernandes was shot dead by police officers, and

dozens of people were injured, including children shot with rifles fired from a helicopter. Sequentially, Marcio Moreira and Vitorino Sanches were executed in ambushes.

In the Caarapó Massacre, on June 14, 2016, Clodiode de Souza was murdered during an attack by ruralists/farmers on the recovered territory currently known as Kunumi Poty Verá. Along these lines, the communities covered by this research are emblematic for having also been systematic targets of intense violence/human rights violations and for their experiences of fighting for their lands.



# 2.2.1 Guaiviry

The *tekoha* of the Guaiviry (municipality of Aral Moreira), a border region between Brazil and Paraguay, has a history marked by successive attempts at recovering territory. The last one, which has determined the occupation until the present moment, took place in 2011 and resulted in the cruel murder and hiding of the corpse of the *ñanderu* (healer) Nísio Gomes and the wounding of the young Jonathon Velasques Gomes.

The case regarding the murder of the healer has been ongoing for years, and even in 2022, the community has lived under permanent threat, with incidents of gunshots during the night and criminal attacks. Guaiviry, made up of 52 families, is the location where the research conducted by FIAN Brazil revealed the most alarming data on moderate food insecurity.



# 2.2.2 Kurusu Ambá

The struggle for the recovery of the *tekoha* of Kurusu Ambá (in the municipality of Coronel Sapucaia) dates back to 2007. After the first attempt, the community faced a violent invasion by landowners and gunmen, resulting in the murder of Xurite Lopes, an elderly healer, and the injury of a young person. The local struggle is marked by the criminalisation and persecution of those involved. A leader was even executed in retaliation. In 2014 and 2015, the community managed to retake part of the farms but faced attacks and difficulties, including the death of children due to malnutrition and lack of healthcare.

Vulnerability was tragically experienced by Jadson Lopes, just 1 year and 6 months old, who passed away in January 2016 with the alleged lack of authorisation from the responsible health service agency to enter the area, a characteristic of the State negligence in disputed territories<sup>6</sup>. In the same year, following a visit from the United Nations Special Rapporteur on the rights of Indigenous Peoples, gunmen on horseback and in trucks destroyed and burned houses.



# 2.2.3 *Ypo'i*

The *tekoha* of Ypo'i (in the municipality of Paranhos) was recovered by Indigenous Peoples in 2009, followed by a brutal attack by farmers that resulted in the death of teachers Rolindo and Genivaldo Vera. The community was expelled through illegal eviction. On August 17, 2010, the territory was retaken once again. The residents have been living under siege / surrounded by farmers, facing strong tensions and threats<sup>7</sup>. Due to the impossibility of movement, children, women, and the elderly found themselves in a situation of hunger, as they spent approximately 100 days under siege.

The residents decided to continue the land recovery in 2015, a situation which persists to the present day. In the first half of 2023, the federal government announced its intention to submit to the Ministry of Justice and Public Security the demarcation report of the Ypo'i-Triunfo Indigenous Land, comprising 19.7 thousand hectares. However, by the end of 2023, the announcement had still not been fulfilled.



# 2.2.4 Ñande Ru Marangatu

Ñande Ru Marangatu (in the municipality of Antônio João), also in the border region with Paraguay, roughly translates to "Our Divine Father." It refers to the hill (Cerro Marangatu) located in the *tekoha*, understood as a sacred place and religious epicenter of the vast Guarani and Kaiowá territory. On November 25, 1983, Guarani leader Marçal de Souza (Tupã'i) was assassinated in Campestre, one of the subdivisions of the *tekoha*. Marçal's execution occurred on the doorstep of his home, three years after his famous speech to Pope John Paul II representing the Union of Indigenous Nations (UNI).

This is the context in which the expulsion occurs, resulting in the current conflicts and conditions denounced by Marçal and other leaders. In 2005, after an attempt at recovering land, the community was brutally attacked and evicted by the State, resulting in the death of Durvalino Rocha. There are records of at least four other murders since the 1950s. The most recent was that of Simeão Vilhalva in 2015<sup>8</sup> when the Guarantee of Law and Order (GLO) was decreed and the region militarised.

In 2002, the area was declared indigenous, but legal appeals by farmers to the courts have put on hold the procedures for making the possession effective. In 2005, amidst severe malnutrition among children, intense land conflicts, and indigenous murders, the Presidency of the Republic signed the homologation. However, there was a new suspension by Minister Nelson Jobim in an appeal admitted by the Federal Supreme Court, which keeps the area *sub judice* and the demarcation suspended.

<sup>7.</sup> https://Cimi.org.br/2010/08/30832 and https://Cimi.org.br/2015/04/37182.

<sup>8.</sup> https://terrasindigenas.org.br/pt-br/noticia/154668



# .2.2.5 Apyka'i

In 1999, the first black canvas shacks were erected on the margins of the highways/ roads BR-463 and MS-379 (in the municipality of Dourados), bringing together families who were demanding the *tekoha* Apyka'i. The accounts of the elders date back to attempts at land recovery in the early 1990s, through Ilario de Souza and Damiana Cavanha: they tried to recover *Jukery* or *Jukeriry* (Silva, 2003)<sup>9</sup>. They were prevented by the landowner, and the families dispersed into different territories. The families of Apyka'i were first expelled in the early 1980s (Crespe, 2015).

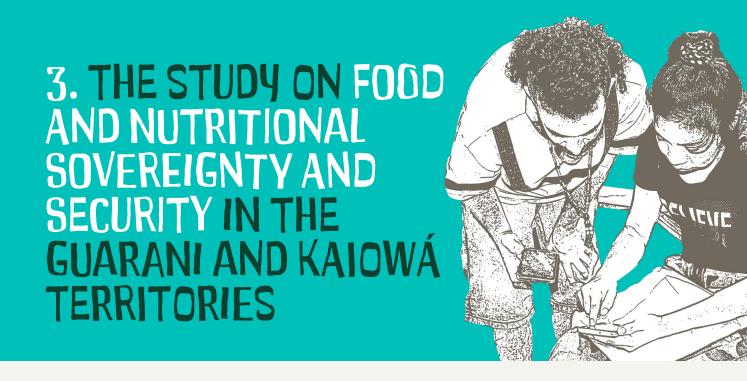
A trail of martyrdom populated the land, starting with the death of Ilario in 2002, run over by a "vehicle driven by a landowner of the claimed land", facts stated in a statement made by Sidnei de Souza, Ilario's and Damiana's son, to the Federal Public Ministry (Ministério Público Federal, MPF) in 2004<sup>10</sup>. At least seven other violent deaths on the highways, which the community denounces as murders, have been recorded so far. Five of the victims, including children and the elderly, were close relatives of the chief and his widow. The second to die this way was Sidnei himself. In May 2023, a 1-year-old baby from Damiana's family died of severe malnutrition<sup>11</sup>. As a historical reference to the struggle, the matriarch was the central interlocutor of this study<sup>12</sup>. Unfortunately, she passed away shortly before the study's publication.

<sup>9.</sup> Each recovered *tekoha* is baptised and renamed according to the context, the mobilised kinship networks, and the transformations of the meanings attributed to a given territoriality, considering that often, more than one land recovery is necessary to establish themselves in the location, following the rituals of the shamans. In the administrative demarcation procedures, a name related to the traditional nature of the land is fixed, attributed by the Kaiowá and Guarani collectives who claim it.

<sup>10.</sup> https://correiodoestado.com.br/cidades/falta-de-assistencia-matou-crianca-indigena-kaiowa-de-fome-diz-lider/414872.

<sup>11.</sup> https://www.intercept.com.br/2019/07/11/a-luta-de-uma-guarani-kaiowa-fui-expulsa-da-minha-terra-seis-vezes-e-perdi-marido-filhos-e-netos.

<sup>12.</sup> https://www.intercept.com.br/2019/07/11/a-luta-de-uma-guarani-kaiowa-fui-expulsa-da-minha-terra-seis-vezes-e-perdi-marido-filhos-e-netos.



# 3.1 Methodology

This study was approved by the National Research Ethics Commission (Conep) on December 27, 2022, with Opinion Number 5.837.075 and Certificate of Presentation of Ethical Appreciation (Caae) 61729422.4.0000.5160, following the ethical precepts of research with Indigenous Peoples in Brazil. The coordination team opted for mixed methodological paths, with quantitative and qualitative data analysis.

The quantitative part used a questionnaire as the main data collection instrument, jointly developed by institutions with the support of the Brazilian Network of Research on Food and Nutritional Sovereignty and Security (Rede PENSSAN). It was applied through a mobile application created by Rede PENSSAN, which will later be adapted for all Brazilian Indigenous Peoples. The questionnaire underwent validation by the populations studied through the interviewers.

The qualitative dimensions encompass field observations, photographic records, and writings by the research team and interviewers, oral history, descriptions made during the training of these collaborators, and interviews with leaders and residents before, during, and after data collection in each of the five territories.

The questionnaire for the mobile application consisted of basic information about the territory, demographic and socioeconomic information, infor-

mation about household and housing conditions, health, illness, food, nutrition, support, and social protection. The Brazilian Food and Nutrition Insecurity Scale (Escala Brasileira de Insegurança Alimentar e Nutricional, Ebia) validated for various Indigenous Peoples, the Indigenous Ebia (Segall-Corrêa et al., 2018), was used. It underwent minor language adaptations in this study at the suggestion of Guarani and Kaiowá researchers/interviewers. The tested and analysed Indigenous Ebia consisted of six questions with "Yes" or "No" responses (where there were residents under 16 years old) and five questions in households where only residents aged 16 years or older resided. The purpose of the instrument was to measure food insecurity in the household, classifying it into food and nutrition security (FNS) or mild, moderate, or severe food and nutrition insecurity (FNI) (Segall-Corrêa et al., 2018). FNS is when the household has access to quality food in sufficient quantity. Mild FNI is when household residents begin to worry about the availability of food, which begins to compromise the quality of their diet. In moderate FNI, the quality of the diet is already compromised, initiating a process of quantitative reduction in the food supply. Finally, in severe FNI, the quantity of food available in the household is insufficient for all residents, leading to hunger among adults and children (Pérez-Escamilla et al., 2004). The calculation of prevalence for the population takes into consideration households with and without children.

# 3.2 Population Studied and Data Collected

The five emblematic territories included in the petition sent to the Inter-American Commission on Human Rights (IACHR) in 2016 participated in the study, with all households in Kurusu Ambá (100 households), Guaiviry (52), and Ypo'i (98) being surveyed, as well as the Apyka'i camp (1 household). In Ñande Ru Marangatu, 44.6% of households were surveyed (229 out of 516 families) due to financial limitations. This last *tekoha* has nine subareas, and representation of at least 40% of each of these areas was ensured. To ensure comparability between the two periods, data from Ñande Ru Marangatu and Apyka'i will be presented separately later on.

For data collection via the mobile application, all interviewers were trained in person by the team between November 2022 and January 2023. The interviewers administered the questionnaire to the person identifying as the leader (head) of the family, who could be a woman or a man above 14 years old.

Data collection took place between January 14 and April 4, 2023, in 480 households across five territories. All data were collected by 17 indigenous interviewers distributed across the four territories and, in Apyka'i, by two members of the research coordination team.

# 3.3 Results

alf of all residents in the five territories, including school-age children, have incomplete primary education (50.6%), while 16.3% have completed primary education. Only 6.1% have completed

secondary education, and 1.7% have enrolled in and/ or completed higher education and postgraduate studies (Table 1).

**Table 1** - Demographic Characterization of the Five Kaiowá and Guarani Recovered Territories in Mato Grosso do Sul, Brazil, 2023

Variables	Territory						
	Guaiviry	Kurusu Ambá	Ypo'i	Ñande Ru Marangatu	Apyka'i	Total	
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	
Families	52 (10.8)	100 (20.8)	98 (20.4)	229 (47.7)	1 (0.2)	480 (100.0)	
Residents	156 (10.6)	239 (16.2)	390 (26.4)	689 (46.7)	1 (0.1)	1.475 (100.0)	
Average number of residents/family	3.0	2.4	4.0	3.0	1.0	3.1	
		Edu	ucation				
Did not attend	33 (21.2)	61 (25.5)	101 (25.9)	169 (24.5)	1 (100.0)	365 (24.7)	
Primary Education Incomplete	70 (44.9)	130 (54.4)	250 (64.1)	296 (43.0)	0 (0.0)	746 (50.6)	

Variables	Territory							
	Guaiviry	Kurusu Ambá	Ypo'i	Ñande Ru Marangatu	Apyka'i	Total		
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)		
Primary Education Completed	16 (10.3)	6 (2.5)	12 (3.1)	41 (6.0)	0 (0.0)	75 (5.0)		
Secondary Education Incomplete	22 (14.1)	26 (10.9)	14 (3.6)	104 (15.1)	0 (0.0)	166 (11.3)		
Secondary Education Completed	7 (4.4)	10 (4.2)	8 (2.1)	65 (9.5)	0 (0.0)	90 (6.1)		
Higher Education Incomplete	4 (2.6)	1 (0.4)	1 (0.3)	5 (0.7)	0 (0.0)	11 (0.7)		
Higher Education Complete	2 (1.3)	0 (0.0)	3 (0.8)	4 (0.6)	0 (0.0)	9 (0.6)		
Incomplete post- graduate masters	1 (0.6)	0 (0.0)	1 (0.3)	1 (0.1)	0 (0.0)	3 (0.2)		
Post-graduate masters completed	0 (0.0)	0 (0.0)	0 (0.0)	3 (0.4)	0 (0.0)	3 (0.2)		
DK/DA <sup>13</sup>	1 (0.6)	5 (2.1)	0 (0.0)	1 (0.1)	0 (0.0)	7 (0.5)		
Total	156 (100.0)	239 (100.0)	390 (100.0)	689 (100.0)	1 (100.0)	1.475 (100.0)		
		Total month	ly family incor	me				
None	4 (7.7)	24 (24.0)	21 (21.4)	3 (1.3)	0 (0.0)	52 (10.8)		
Less than 275 reais (¼ minimum wage - MW)	1 (1.9)	0 (0.0)	6 (6.1)	0 (0.0)	0 (0.0)	7 (1.5)		
Between 275 and 550 reais (¼ and ½ MW)	0 (0.0)	5 (5.0)	2 (2.0)	7 (3.1)	0 (0.0)	14 (2.9)		
Between 551 and 1100 reais (½ and 1 MW)	38 (73.1)	33 (33.0)	40 (40.8)	104 (45.4)	1 (100.0)	216 (45.0)		
Between 1.101 and 2.200 (1 and 2 MW)	8 (15.4)	37 (37.0)	25 (25.5)	89 (38.9)	0 (0.0)	159 (33.1)		
Over 2.200 reais (>2 MW)	0 (0.0)	0 (0.0)	2 (2.0)	25 (10.9)	0 (0.0)	27 (5.6)		
DK/DA	1 (1.9)	1 (1.0)	2 (2.0)	1 (0.4)	0 (0.0)	5 (1.0)		
Total	52 (100.0)	100 (100.0)	98 (100.0)	229 (100.0)	1 (100.0)	480 (100.0)		

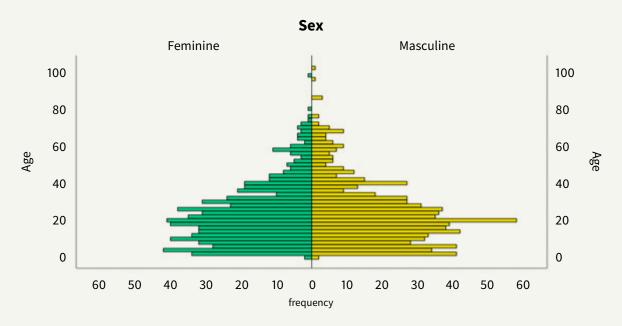
<sup>13.</sup> DK/DA means that the person interviewed did not know the answer or did not answer.

The levels of education are closely related to the learning conditions in the re-occupied areas, characterised by a deficient provision of educational facilities, difficulties in commuting to cities, and discrimination faced in urban contexts.

Of the 480 families studied, 45.0% have a monthly family income ranging from half to one minimum

wage<sup>14</sup>, primarily composed of social programs such as Bolsa Família. Of the total, 33.1% of families receive between one and two minimum wages. A total of 10.8% of families have no family income, mainly due to lack of documentation, which prevents access to any social assistance rights, or due to misinformation and difficulty in accessing such assistance.

**Figure 1** – Age pyramid of residents in the five areas of Kaiowá and Guarani land recoverys in Mato Grosso do Sul, Brazil, 2023





The age pyramid in Figure 1 suggests that the studied population is predominantly young, with high rates of both births and deaths. The life expectancy of the Kaiowá and Guarani, according to data from the Special Indigenous Health District of MS (Dsei/MS), was 34.7 years in 2012 (Martins, 2018). In 2021, this life expectancy is estimated to be 45 years, while the national average for non-indigenous people is 75 years<sup>16</sup> (Martins, 2021).

Regarding the type of work, residents who can leave to work generally hold jobs as day laborers or work in apple orchards in the south of the country, as well as on farms picking cassava, corn, and soybeans. These occupations are characterised by work relationships and conditions similar to slavery<sup>16</sup>.

<sup>14.</sup> Regarding the last 30 days. The salary considered for the minimum wage in this survey was R\$ 1,100 per month.

<sup>15.</sup> There is no more recent data on the life expectancy of Indigenous Peoples. The lack of indigenous data production is a problem in Brazil. Some information produced by the government is not publicly available.

<sup>16. &</sup>lt;a href="https://reporterbrasil.org.br/2022/07/trabalho-escravo-em-pomar-que-abastecia-lider-em-macas-acende-alerta-sobre-condicoes-na-colheita-do-fruto/">https://reporterbrasil.org.br/2022/07/trabalho-escravo-em-pomar-que-abastecia-lider-em-macas-acende-alerta-sobre-condicoes-na-colheita-do-fruto/</a>.

**Table 2** – Characterisation of Access to Water, Sewage Collection, Waste Disposal, and Transportation in Households in the Five Kaiowá and Guarani Recovered Territories of Mato Grosso do Sul, Brazil, 2023

Variables	Territories						
	Guaiviry	Kurusu Ambá	Ypo'i	Ñande Ru Marangatu	Apyka'i	Total	
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	
		Last r	esidence				
Indigenous reservation	23 (44.2)	47 (47.0)	61 (62.2)	53 (23.1)	0 (0.0)	184 (38.3)	
Always lived in this place	17 (32.7)	53 (53.0)	5 (5.1)	71 (31.0)	0 (0.0)	146 (30.4)	
Another re-occupied territory	2 (3.8)	0 (0.0)	3 (3.1)	81 (35.4)	1 (100.0)	87 (18.1)	
Indigenous land	7 (13.5)	0 (0.0)	27 (27.6)	13 (5.7)	0 (0.0)	47 (9.8)	
City	3 (5.8)	0 (0.0)	1 (1.0)	3 (1.3)	0 (0.0)	7 (1.5)	
Camps	0 (0.0)	0 (0.0)	1 (1.0)	5 (2.2)	0 (0.0)	6 (1.3)	
DK/DA*	0 (0.0)	0 (0.0)	0 (0.0)	3 (1.3)	0 (0.0)	3 (0.6)	
Total	52 (100.0)	100 (100.0)	98 (100.0)	229 (100.0)	1 (100.0)	480 (100.0)	
		Origin	of water				
Water truck	0 (0.0)	67 (67.0)	47 (48.0)	105 (45.9)	0 (0.0)	219 (45.6)	
River	22 (42.3)	29 (29.0)	42 (42.9)	16 (7.0)	0 (0.0)	109 (22.7)	
Public network	0 (0.0)	0 (0.0)	0 (0.0)	71 (31.0)	0 (0.0)	71 (14.8)	
Artisanal well	7 (13.5)	3 (3.0)	0 (0.0)	33 (14.4)	1 (100.0)	44 (9.2)	
Shallow well	5 (9.6)	1 (1.0)	7 (7.1)	2 (0.9)	0 (0.0)	15 (3.1)	
Other (spring, mine)	17 (32.7)	0 (0.0)	2 (2.0)	2 (0.9)	0 (0.0)	21 (4.4)	
DK/DA*	1 (1.9)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.2)	
Total	52 (100.0)	100 (100.0)	98 (100.0)	229 (100.0)	1 (100.0)	480 (100.0)	

<sup>\*</sup>DK = Didn't know / DA = Didn't answer

Variables	Territories								
	Guaiviry	Kurusu Ambá	Ypo'i	Ñande Ru Marangatu	Apyka'i	Total			
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)			
Form of sewage collection									
Open pit latrine/hole	26 (50.0)	99 (99.0)	90 (91.8)	161 (70.3)	1 (100.0)	375 (78.1)			
Septic tank	0 (0.0)	0 (0.0)	0 (0.0)	49 (21.4)	0 (0.0)	49 (10.2)			
DK/DA*	26 (50.0)	0 (0.0)	8 (8.2)	0 (0.0)	0 (0.0)	34 (7.1)			
Primitive pit latrine	0 (0.0)	1 (1.0)	0 (0.0)	16 (7.0)	0 (0.0)	17 (3.5)			
River or lake	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.4)	0 (0.0)	3 (0.6)			
Sewage network	0 (0.0)	0 (0.0)	0 (0.0)	2 (0.9)	0 (0.0)	2 (0.4)			
Total	52 (100.0)	100 (100.0)	98 (100.0)	229 (100.0)	1 (100.0)	480 (100.0)			
		Waste	disposal						
Burned	48 (92.3)	97 (97.0)	85 (86.7)	203 (88.6)	1 (100.0)	434 (90.4)			
Buried on site	2 (3.8)	2 (2.0)	8 (8.2)	22 (9.6)	0 (0.0)	34 (7.1)			
Discarded far away from the house	3 (5.8)	2 (2.0)	7 (7.1)	9 (3.9)	0 (0.0)	21 (4.4)			
Discarded near the house	0 (0.0)	0 (0.0)	15 (15.3)	5 (2.2)	0 (0.0)	20 (4.2)			
Collected by the municipality	0 (0.0)	0 (0.0)	0 (0.0)	2 (0.9)	0 (0.0)	2 (0.4)			
DK/DA*	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.4)	0 (0.0)	1 (0.2)			
		Ve	hicles						
Motorbike	1 (1.9)	42 (42.0)	40 (40.8)	150 (65.5)	0 (0.0)	233 (48.5)			
Does not own	25 (48.1)	40 (40.0)	57 (57.1)	49 (21.4)	1 (100.0)	169 (35.2)			
Bicycle	26 (50.0)	12 (12.0)	2 (2.0)	84 (36.7)	0 (0.0)	124 (25.8)			
Car	1 (1.9)	8 (8.0)	2 (2.0)	30 (13.1)	0 (0.0)	44 (9.2)			
Horse or cart	0 (0.0)	0 (0.0)	2 (2.0)	4 (1.7)	0 (0.0)	6 (1.3)			
Van or truck	0 (0.0)	1 (1.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.2)			
Other	0 (0.0)	1 (1.0)	0 (0.0)	1 (0.4)	0 (0.0)	2 (0.4)			

<sup>\*</sup>DK = Didn't know / DA = Didn't answer

Among the households studied in Guaiviry, Ypo'i, Kurusu Ambá, and Apyka'i, 96% did not have electricity. In this regard, the situation in Ñande Ru Marangatu is quite different, with just over two-thirds (67.2%) connected to the power grid.

As shown in Table 2, more than a third (35.2%) of families do not have any form of transportation; 48.5% own a motorcycle, and 25.8% own a bicycle.

Regarding water sources, 45.6% of households are supplied by water trucks, with the frequency of supply varying between eight and 20 days. When water is insufficient, the community is affected by difficulty in accessing other sources due to water scarcity and contamination by pesticides.

94.9% of the interviewed families reported that the land recovery of their *tekoha* had led to an improvement in their diet. For 78.1%, the improvement was related to access to forests, rivers, and space for cultivation. On the contrary, the indigenous reserves, where most of the interviewed families had lived prior to the land recovery, were considered by 38.3% to be spaces of confinement (Brand, 2004) and noted for the limited areas for planting.

For nearly 80.0% of families, the land recovery improved their health. All territories reported exposure to agrotoxics from neighbouring monoculture farms, with weekly sprayings. As a consequence, the land, rivers, and air are contaminated, affecting bodies, homes, fields, and biodiversity. In the last 12 months, 105 people fell ill due to contact with agrotoxics.

During the research period, 39.8% of households studied underwent some form of health treatment, with the most reported symptoms being headaches (16.0%), high blood pressure (15.2%),

flu or cough (13.3%), skin wounds (8.3%), vomiting (7.7%), or diarrhoea (7.7%). Some symptoms reported are related to exposure to agrotoxics, consisting of typical signs of poisoning, which are rarely recorded due to scarce medical and hospital care (only 1 in every 50 cases is identified, according to estimates from the World Health Organization). Out of 480 families, 15.2% (73 households) had individuals hospitalised in the last 12 months. Over the past decades, there have been numerous reports of chemical attacks with pesticides.

Mostly, healthcare consultations occur outdoors due to the absence of local health centres, except for Ñande Ru Marangatu and Guaiviry, where medical visits take place once a month. When the land was recovered for the first time, there was a shortage of medications and diagnoses were imprecise due to the impossibility of carrying out tests or the waiting time for results. Specialised healthcare services are approximately 60 kilometres away, and indigenous people are invariably subject to racism in hospital settings.

**Out of the total interviewed families, 60.6% engage in planting (***kokue***).** The most produced foods were cassava (60.0%), various types of potatoes (tubers) (48.0%), beans (29.8%), corn (19.2%), and pumpkins (14.8%). Among the 291 families engaged in farming/gardening, 42.9% produce throughout the year, and 35.4% for only a few months.

The lack of seeds, seedlings and or cuttings is directly related to the expropriation of territories and the pillaging of common goods caused by the expansion of agropastoralism. Added to this is the genetic erosion caused by the monoculture of grains and the monopoly over seeds held by transnational companies.

**Table 3** – Food Consumption on the Day Before the Interview, and School Meals in the Five Guarani and Kaiowá Recovered Territories in Mato Grosso do Sul, Brazil, 2023

Variables	Territories								
	Guaiviry Kurusu Ypo'i Ñande Ru Apyka'i Marangatu								
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)			
	Marke	ers of healthy	food consum	ed yesterday					
Rice	46 (88.5)	92 (92.0)	91 (92.9)	222 (96.9)	1 (100.0)	452 (94.2)			
Beans	37 (71.2)	94 (94.0)	85 (86.7)	212 (92.6)	0 (0.0)	428 (89.2)			

Variables			T	erritories		
	Guaiviry	Kurusu Ambá	Ypo'i	Ñande Ru Marangatu	Apyka'i	Total
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Meat (beef, fish, chicken, pork, game)	1 (1.9)	32 (32.0)	12 (12.2)	120 (52.4)	0 (0.0)	165 (34.4)
Manioc/potatoes	9 (17.3)	27 (27.0)	7 (7.1)	115 (50.2)	1 (100.0)	159 (33.1)
Vegetables	3 (5.8)	6 (6.0)	0 (0.0)	40 (17.5)	0 (0.0)	49 (10.2)
Fresh fruit	0 (0.0)	0 (0.0)	0 (0.0)	21 (9.2)	0 (0.0)	21 (4.4)
Dairy products	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
	Marker	s of unhealth	y food consu	med yesterday		
Instant noodles, salty snacks, salted crackers	3 (5.8)	0 (0.0)	0 (0.0)	41 (17.9)	0 (0.0)	44 (9.2)
Sweetened drinks / soft drinks	0 (0.0)	0 (0.0)	0 (0.0)	20 (8.7)	0 (0.0)	20 (4.2)
Hamburgers / processed meats	0 (0.0)	0 (0.0)	0 (0.0)	6 (2.6)	0 (0.0)	6 (1.3)
Filled cookies / sweets	0 (0.0)	0 (0.0)	0 (0.0)	3 (1.3)	0 (0.0)	3 (0.6)
Did not eat ANYTHING	1 (1.9)	0 (0.0)	2 (2.0)	0 (0.0)	0 (0.0)	3 (0.6)
		Childre	n eat at scho	ol		
Yes	30 (57.7)	31 (31.0)	63 (64.3)	103 (45.0)	0 (0.0)	227 (47.3)
No	1 (1.9)	19 (19.0)	8 (8.2)	21 (9.2)	0 (0.0)	49 (10.2)
Not always	2 (3.8)	10 (10.0)	0 (0.0)	4 (1.7)	0 (0.0)	16 (3.3)
Not applicable (no children in the household)	17 (32.7)	39 (39.0)	20 (20.4)	85 (37.1)	1 (100.0)	162 (33.8)
DK/DA*	2 (3.8)	1 (1.0)	7 (7.1)	16 (7.0)	0 (0.0)	26 (5.4)
Total	52 (100.0)	100 (100.0)	98 (100.0)	229 (100.0)	1 (100.0)	480 (100.0)
	If ye	s, food at sch	ool includes c	ultural food		
Yes	4 (12.1)	20 (33.3)	48 (66.7)	39 (29.8)	0 (0.0)	111 (37.5)
Sometimes	27 (81.8)	9 (15.0)	21 (29.2)	43 (32.8)	0 (0.0)	100 (33.8)
No	0 (0.0)	31 (51.7)	3 (4.2)	45 (34.4)	0 (0.0)	79 (26.7)
DK/DA*	2 (6.1)	0 (0.0)	0 (0.0)	4 (3.1)	0 (0.0)	6 (2.0)
Total	33 (100.0)	60 (100.0)	72 (100.0)	131 (100.0)	0 (0.0)	296 (100.0)

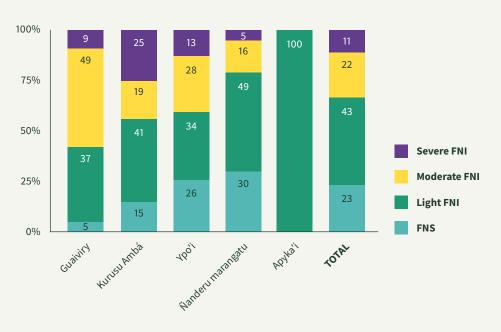
Table 3 shows the food consumption of the head of household on the day prior to the interview. The results indicate dietary monotony, with consumption mainly consisting of rice and beans for the majority of individuals (94.2% for rice and 89.2% for beans). Only 34.4% of respondents had consumed meat the previous day, 33.1% had consumed tubers, 10% had consumed vegetables or greens, and only 4.4% had consumed fruits. This demonstrates that the dietary base of the communities is a mixture of food items from the basic food basket with those produced in the fields. Regarding ultra-processed products<sup>17</sup>, there was consumption of products that are markers of unhealthy eating only in the Nande Ru Marangatu territory. This occurs mainly due to the proximity of some subareas to the city.

10.2% of families with children did not have access to school meals. This data indicates that the National School Meals Program (Programa Nacional de Alimentação Escolar, Pnae) is not consistently and effectively provided in some of the territories. Of the families who responded to the question about whether school meals included foods from indigenous culture (a legal requirement), 40.3% said they did not, and 5.1% said this happened sometimes.

Regarding social support and protection policies, the most cited benefits were food baskets (94.2% of households), Bolsa Família (Brazil's social welfare program - 65.4%), state or municipal assistance programs (20.0%), and retirement benefits (12.7%). Among the families receiving food baskets, 80.0% received the federal basket provided by the National Supply Company (*Companhia Nacional de Abastecimento, Conab*) and delivered by Funai, with 30.6% also receiving the basket provided by the state and 7.5% also receiving the municipal one.

In the case of Apyka'i, until the end of the survey, the delivery of the Conab food basket was irregular after being interrupted in December 2022. In the other territories, monthly delivery occurred irregularly – delays of up to three months were reported, along with insufficient quantity and quality. In Guaiviry, families went without receiving food baskets for six months in 2022. All communities reported that the Conab basket lasts from three to 15 days, depending on the size of the family. In the municipality of Antônio João, in Ñande Ru Marangatu, social assistance professionals incorrectly advise on the impossibility of receiving the Bolsa Família benefit when accessing the basic food basket.

Figure 2 – Food and Nutritional Security and Insecurity: Mild, Moderate, and Severe by Guarani and Kaiowá Recovered
Territories in Mato Grosso do Sul, Brazil, 2023



FNS = food and nutrition security FNI = food and nutrition insecurity

<sup>17.</sup> FIAN uses the term "ultraprocessed products" instead of "ultraprocessed foods" – as in the *Food Guide for the Brazilian Population (Guia Alimentar para a População Brasileira)* – due to an understanding that these products are not food.

Figure 2 shows that food and nutrition insecurity (FNI) in all households, with and without children under 16 years old, was 77.0%, with moderate FNI present in 22.2% and the severe form in 11.4% of them. In this research, moderate FNI indicates a total compromise of food quality and the beginning of a process that may compromise the quantity of food in the household. In the case of severe FNI, beyond quality, there is a compromise in the quantity of

available food. In households without children, it may indicate hunger among adults, and in households with children, hunger may even affect the children, resulting in a serious violation of their human rights, as it undermines the dignity, health, and wellbeing of these individuals.

To understand the improvement in the FNI situation in the current study (2023), it is important to review the data from the previous study (2013) (Table 4).

**Table 4** – Comparison of Data from Research Conducted in 2013 and 2023 by FIAN Brazil in the Guarani and Kaiowá Recovered Territories of Mato Grosso do Sul, Brazil

	RESEARCH 2013	RESEARCH 2023	RESEARCH 2023 (two new territories)		
TERRITORIES STUDIED	Guaiviry Ypo'i Kurusu Ambá	Guaiviry Ypo'i Kurusu Ambá	Ñande Ru Marangatu	Apyka'l	TOTAL
TOTAL NUMBER OF HOUSEHOLDS STUDIED	98	250	229	1	480
		PREVALENCE OF F	NI		
Number of households evaluated	75	250	229	1	480
FNS	0.0%	15.0%	29.8%	0.0%	23.3%
Light FNI	13.3%	37.3%	49.1%	100.0%	43.1%
Moderate FNI	58.7%	31.8%	16.1%	0.0%	22.2%
Severe FNI	28.0%	15.9%	5.0%	0.0%	11.4%

FNS = food and nutrition security FNI = food and nutrition insecurity Although three of the territories studied in 2023 were the same as in the previous study, the number of households increased in all three territories (from 98 to 250). Additionally, two new territories were added in the current research (Ñande Ru Marangatu and Apyka'i), with a significant variation in the number of households studied (an increase of over 230 households: 229 in Ñande Ru Marangatu and 1 in Apyka'i).

Over time, if the recovered territories become more permanent and violence goes down, the tendency is for the number of people leaving reservation conditions for their ancestral territories to increase. The comparison of levels of FNI in the three communities studied in 2013 (Guaiviry, Kurusu Ambá, and Ypo'i) shows an improvement, with an increase in FNS (from 0.0 to 15.0% of households); an increase in mild FNI (from 13.3 to 37.3%); and a reduction in moderate FNI (from 58.7 to 31.8%) and severe FNI (from 28.0 to 15.9%).

These results indicate an improvement, especially regarding the more severe levels, in the three communities. From the perspective of the human right to adequate food and nutrition (RtFN), there is however greater progress in the first dimension of this right than in the second, respectively, to *live free from hunger and to have access to adequate food in different aspects*. From a human rights perspective, these dimensions are indivisible, and living in fear of food scarcity is, in itself, a violation.

When observing the two additional territories in the current research, the situation of FNS increases (to 23.3% of households), as the Ñande Ru Marangatu *tekoha* presented the best FNS situation (29.8%). Considering the remaining socioeconomic and health information, much of this progress seems to be unrelated to the implementation of public policies to promote food sovereignty and security. Rather, progress seems to occur for the following reasons:

 The land recovery of the tekoha, which allowed families to become more settled in the territo-

- ries over ten years and restore their ways of life, their way of being, and food production.
- 2. A relative improvement in access to public policies for food provision in recovered areas, as well as income transfers from municipal, state, and federal governments, with emphasis on the increase in coverage (from 39.6% in 2013 to 65.4% in 2023) and the most recent financial contribution from Bolsa Família.

Food basket deliveries need to be constantly demanded. Governments often suspend food baskets as a form of pressure for Indigenous Peoples to vacate their ancestral lands, refusing to fulfil their obligation to ensure the RtFN<sup>18</sup> (Pimentel; Thiago; Thomazinho, 2021).

Although they have improved between 2013 and 2023, the rates of FNI in the territories are alarming, as are the reports of deprivation of the right to adequate food and nutrition. Policies to guarantee territories through demarcations are necessary since territorial insecurity was identified as a weakness in planting possibilities and strategies and, consequently, in food and health.

Regarding family income, we found that families with no monthly income suffer more from moderate and severe FNI compared to those with a monthly income above minimum wage, as shown in Figure 3. This demonstrates the direct impact of income on combating hunger, either through wage labour or social benefits.

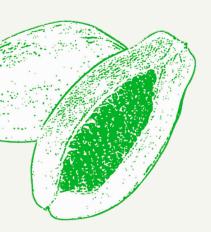
When it comes to State action, the deliveries of food baskets and income transfer programs have allowed fewer families to live with hunger in 2023 than in 2013. However, these actions are carried out inconsistently and with irregularities, which leads to the conclusion that the State has advanced in a very insufficient way in protecting, respecting and satisfying the human right to adequate food and nutrition of the Guarani and Kaiowá peoples.

18. After repeated reports of food basket suspensions and various isolated incidents demanding that the state resume food basket deliveries, FIAN Brasil prepared a technical note with historical data on the subject, which was sent to different duty bearers. The note was attached to Civil Action No. 00019758420174036000, pending in the Federal Court of Campo Grande. Authored by the Federal Public Defender's Office (Defensoria Pública da União, DPU) and the Federal Public Prosecutor's Office in Mato Grosso do Sul (MPF-MS), the document demands an end to the "passing the buck" between the federal and state governments. In March 2023, a judgement was issued defining the obligations of each entity regarding food basket delivery. Hopefully, at least in terms of emergency provisions, the provision of food will be fulfilled. However, the judicial decision is still at the lower court level, and there is room for appealing to higher courts.

**Figure 3** – The Relationship between Monthly Family Income and Food and Nutritional Insecurity in the Five Guarani and Kaiowá Recovered Territories in Mato Grosso do Sul, Brazil, 2023



FNS = food and nutrition security FNI = food and nutrition insecurity



In relation to State action, what has allowed fewer families to live with hunger in 2023 compared to 2013 are food basket deliveries and income transfer programs. However, these actions are carried out inconsistently and with irregularities, leading to the conclusion that the State has made very inadequate progress in protecting, respecting, and fulfilling the RtFN of the Guarani and Kaiowá Peoples.



he The realisation and enjoyment of the right to food depend on the effective fulfillment of other human rights. Indigenous Peoples maintain a holistic and organic relationship with their ancestral territory and traditional lands. Producing food is not just a matter of food and nutrition security (FNS). It is part of cultural identity, and the right to food can not be isolated from sovereignty over the place where they live (tekoha), nor the access to adequate food in terms of culture<sup>19</sup>. Therefore, for the Guarani and Kaiowá Peoples, the most relevant rights that are prerequisites for the exercise of the human right to adequate food and nutrition are the right to land and territories and related rights, such as those concerning culture, self-determination, and non-discrimination.

The RtFN is firmly enshrined in international law and outlined in the Universal Declaration of Human Rights (Article 25) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Article 11 of the ICESCR recognises "the right of everyone to an adequate standard of living, including adequate food" and "the fundamental right to be free from hunger." Thus, it is the duty of the Member States to promote an environment in which people who produce and gather their own food have sufficient access to land, seeds, water, and other resources.

Through General Comment 12, the United Nations Committee on Economic, Social, and Cultural Rights (CESCR) envisages that it is the State's responsibility, to progressively realise the RtFN and to observe the obligations to respect, protect, promote, and fulfil the right.

The obligation to respect existing access to adequate food requires that Member States do not take any measures that result in blocking this access. The obligation to protect requires that measures be taken by the State to ensure that companies or individuals do not deprive others of their access to adequate food (UN, 1999).<sup>20</sup>

The results presented in this study depict a scenario of denial of minimum conditions for dignified existence for the Kaiowá and Guarani Peoples, contradicting the most basic premises of human rights established by Brazil. When looked at together with the results of the research conducted in 2013, it can be seen that the rights violations experienced by these ethnic groups are historical, repeated, and systemic.

The State continues to violate its obligation to respect the human rights of the Guarani and Kaiowá Peoples by maintaining measures that hinder the realisation of rights, such as encouraging the appropriation of their territories by

19. Pronouncement of Indigenous Peoples at the 3rd Regional Consultation for Latin America and the Caribbean of Non-Governmental Organizations and Civil Society, held in Guatemala from April 23 to 25, 2004. Available at: <a href="https://www.biodiversidadla.org/Documentos/Pronunciamiento-de-las-organizaciones-indigenas-en-la-3a-Consulta-Regional-para-America-Latina-y-el-Caribe-FAO-y-ONG-OSC">https://www.biodiversidadla.org/Documentos/Pronunciamiento-de-las-organizaciones-indigenas-en-la-3a-Consulta-Regional-para-America-Latina-y-el-Caribe-FAO-y-ONG-OSC</a>.

20. As mentioned, the State violates its obligation to respect the human rights of the Kaiowá and Guarani Peoples when, since the beginning of the 20th century, it supports and encourages the appropriation of their territories by companies, forcibly removes families, finances soybean production and unregulated cattle ranching, halts demarcation processes, and proposes anti-indigenous laws.

companies throughout the 20th century; violently removing indigenous communities from their ancestral territories; financing cattle ranching and soybean production without regulation; delaying and halting demarcation processes; and proposing anti-indigenous laws.

In this context, the *marco temporal* thesis is of particular concern. Despite being overturned by the Supreme Federal Court (STF) and vetoed by the President of the Republic during the sanctioning of the bill that had been approved by the National Congress, the Chamber and Senate overruled the presidential veto. Thus the *marco temporal* reemerged as a result of PL 2,903/2023 in the form of Law 14,701/2023.

In terms of protection against the actions of third parties (individuals, groups, companies, etc.) that violate human rights, the state fails to fulfil this obligation in many ways, the most serious being allowing and normalising physical, psychological, and symbolic violence and discriminatory actions that prevent the Kaiowá and Guarani Peoples from realising their rights to education and work<sup>21</sup>. The **obligation to protect** is also severely violated when the state fails to prevent or stop the use of pesticides and the contamination of bodies, rivers, air, and land

According to General Comment 12 of the Committee on Economic, Social and Cultural Rights (CESCR):

...the obligation to satisfy [human rights] incorporates both an obligation of facilitation and provision. The obligation to satisfy (facilitate) means that the state must proactively engage in activities aimed at strengthening people's access to resources and means, ensuring their way of life, including their food security, and the use of these resources and means by these people. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food with the resources at their disposal, states must satisfy (provide) the right directly (ONU, 1999, our highlight).

Violations of the obligations to **promote and provide** the right to food are mainly demonstrated by the lack of measures that promote conditions for the construction of food sovereignty for communities. The state, in its different spheres, seems to promote instability and dependence by denying access to public policies that generate autonomy and stability in accessing food in the short, medium, or long term.

Even in the provision dimension, problems with food baskets and their distribution seem to illustrate the state's disregard in an almost explicit message about the security and guarantees on which these Peoples can rely. Such instability may help explain the increase in mild food insecurity between the two surveys, which also reflects improvement for households facing more severe degrees. The mild dimension of food and nutritional insecurity (FNS) exists when there is concern about future conditions for feeding oneself and one's family.

It is worth noting that the normalisation of hunger and poor nutrition is a greater evil from which the country needs to free itself. Similarly, the image of indigenous people in precarious situations should not be considered natural or "neutral."

<sup>21.</sup> Case of a job posting where the employer mentions "dismissing indigenous people" for a job vacancy in the municipality of Amambai. Available at: <a href="https://g1.globo.com/ms/mato-grosso-do-sul/noticia/2023/06/12/empresa-divulga-va-ga-de-emprego-em-post-nas-redes-sociais-mas-dispensa-candidatos-indigenas-em-ms.ghtml">https://g1.globo.com/ms/mato-grosso-do-sul/noticia/2023/06/12/empresa-divulga-va-ga-de-emprego-em-post-nas-redes-sociais-mas-dispensa-candidatos-indigenas-em-ms.ghtml</a>.



# 5. FINAL CONSIDERATIONS

he communities studied are striving to overcome the social and cultural degradations caused, supported, or tolerated by the State. Despite the significant improvement generated by the recovery of their territory, they are subjected to multiple vulnerabilities, particularly regarding the guarantee of their rights to education, health, and adequate nutrition, as the data demonstrates.

We emphasise the **need for the demarcation of Guarani and Kaiowá territories** in Mato Grosso do Sul (MS) as an initial form of redress for the violations and the guarantee of these Peoples' rights. This necessarily involves a complete rejection of the *marco temporal* thesis.

Through this work, we have observed the importance of reclaiming traditional lands for promoting health and food production. In the 2013 study, no household was identified as having food and nutrition security (FNS). Ten years after this diagnosis and with the expansion of land recovery, although still present, hunger has decreased.

The human right to adequate food and nutrition will only be guaranteed through a set of socio-environmental, cosmological, and institutional conditions. The international community can and should contribute to establishing these conditions.

# Recommendations to Brazilian Executive Power:

- L Take immediate measures to protect the safety of Indigenous Peoples, especially the Guarani and Kaiowá, and ensure the conduct of independent investigations into the murders and attacks suffered by these Peoples for defending their human and territorial rights, so that those responsible are brought to justice. Examples of cases in recent years include the murder of young Alex Lopes in Coronel Sapucaia, on the border with Paraguay, in 2022; and the Guapo'y Massacre, which resulted in injuries and fatalities due to the actions of the Military Police of Mato Grosso do Sul during an illegal eviction, in the same year.
- 2. Proceed with the implementation and compliance of the precautionary measure requested from the Brazilian State by the Inter-American Commission on Human Rights, through a petition from the Articulation of Indigenous Peoples of Brazil (Articulação dos Povos Indígenas do Brasil, Apib) and Conectas regarding the Guapo'y Massacre. Since the request was opened in October 2022, the Brazilian State has not provided reports on the urgent measures to be taken to investigate the case and ensure the right to the life and integrity of the indigenous people of Guapo'y Mirim Tujury.
- 3. Develop a work plan aimed at prioritising the completion of the demarcation of all territories claimed by the Guarani and Kaiowá Peoples and the initiation of new studies for the identification and delimitation of indigenous lands, as well as creating the technical operational conditions for this purpose, considering that many of the killings are due to reprisals in the context of the land recovery of ancestral lands.
- 4. Urgently implement public policies in the Guarani and Kaiowá indigenous communities living in re-occupied territories, especially those related to the rights to education, health, adequate nutrition, civil documentation, and territorial management, which directly benefit indigenous children, women, and youth. Additionally, monitor and prevent the violation of these policies.

- 5. Strengthen and facilitate the direct purchase of products from Kaiowá and Guarani indigenous farms through the Food Acquisition Program (Programa de Aquisição de Alimentos, PAA) and public calls from the National School Meals Program (Pnae).
- 6. Align with the ruling of the Federal Supreme Court on Extraordinary Appeal 1,017,365 SC, where the legal doctrine of the marco temporal was deemed unconstitutional, ensuring the demarcation of lands traditionally occupied by Indigenous Peoples, with priority given to the territories of the Guarani and Kaiowá Peoples located in Mato Grosso do Sul, given the scenario of extreme vulnerability.
- 7. Enforce federal laws regarding the regulation of pesticide spraying near homes, schools, and other public spaces, as well as around indigenous lands, and enact laws prohibiting aerial spraying in the country. Punish those responsible for intoxicating communities and the environment with fines, including providing reparations to affected communities based on the damages caused and their needs.
- **B.** Take a stand against the unconstitutionality of and oppose Law 14.701/2023, resulting from PL 2.903, before the Federal Supreme Court. Approved by the National Congress after a presidential veto, the law fiercely contradicts indigenous rights. In addition to applying the *marco temporal*, already declared unconstitutional by the Supreme Court, it violates and alters fundamental aspects of the Brazilian Constitution and the International Labour Organization (ILO) Convention 169, weakening demarcation processes and paving the way for socioenvironmental destruction and economic exploitation of these specially protected territories.

# Recommendations to National Congress:

1. Appeal to the National Congress for effective measures to mitigate the effects of pesticides on the health of Indigenous Peoples and the environment, including the need to ban aerial spraying, report cases of poisoning, and hold offenders accountable.

# Recommendations to the Judiciary:

- 1. Reinforce the rejection of the marco temporal thesis, whose overturning by the Supreme Federal Court, through Extraordinary Appeal 1,017,365 SC, makes the unconstitutionality of Law 14,701/2023, approved by the National Congress, even more blatant. The Supreme Court, as an institution responsible for safeguarding the Brazilian Constitution, should declare the Law in its entirety as unconstitutional and, thereby declare its approval by the Congress null and void. This can be ratified through direct action of unconstitutionality.
- 2. Heed the recommendation of the National Council of Justice (Conselho Nacional de Justiça, CNJ), approved during its 61st Extraordinary Session held on December 14, 2021, for Brazilian courts to follow the jurisprudence of the Inter-American Court of Human Rights, highlighting cases in which Brazil has been condemned, including the case of the Xukuru indigenous people and their members Vs. Brazil.

# Recommendations to the government of Mato Grosso do Sul and the Special Indigenous Health District (Distrito Especial de Saúde Indigena, Dsei-MS):

1. Monitor the actions of state police forces to prevent the use of police force against indigenous people in recovered territories, such as the recent massacre in the territory of Guapo'y.

The security of the communities is the exclusive responsibility of the Union, and therefore, police actions by states against Indigenous Peoples are illegal;

- 2. Implement public policies in the recovered territories, including the urgent need to hold the municipal departments of Social Assistance and Education in municipalities where land recoveries are located, accountable for ensuring full access for indigenous children to the School Meals Program (Pnae) and access for families to social assistance policies, such as the Bolsa Família Program;
- 3. Make efforts between the state government and the Special Secretariat for Indigenous Health (Sesai) to address the problem of lack of water in particular in recovered territories, but also in indigenous reserves;
- Implement projects for the recovery of springs and alternative energy production, such as the implementation of solar panels (as proposed in the Kurusu Ambá territory);
- **5.** Enforce state laws on the regulation of pesticide spraying by machinery near homes, schools, and other spaces and indigenous communities, and create laws that prohibit aerial spraying throughout the state;
- **6.** Strengthen and facilitate the direct purchase of products from Kaiowá and Guarani indigenous farms in recovered territories, through the PAA and public calls from the Pnae, strengthening the farms and ensuring the flow of productions to the schools in the land recoveries and other schools in the municipality, as well as other equipment available;
- 7. Effectively implement public policies in Guarani and Kaiowá indigenous communities located in recovered territories, especially those related to the rights to education, social assistance, health, adequate food and nutrition, civil documentation, and territorial management, which directly benefit indigenous children, women, and young people. Furthermore, monitor and prevent the non-compliance with these public policies.

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# About FIAN Brasil

branch of FIAN International, FIAN Brasil – Organization for the Human Right to Adequate Food and Nutrition has been working for 23 years with life and human dignity as its guiding principle. We carry out constant advocacy activities in the Brazilian state, in foreign states and international organizations, such as the United Nations, the European Union and the Organization of American States, defending the rights of peoples based on the legislation in force.

We have been accompanying the struggle of the Guarani and Kaiowá indigenous people in Mato Grosso do Sul since 2005. We do this while respecting the role of the organizations representing the ethnic groups and in conjunction with the Indigenist Missionary Council (Cimi), FIAN International and other national and international organizations. We start from the principle that respect for the land and territory of a people, as well as their culture and history, is inseparable from the full realization of the human right to adequate food and nutrition.

We made visits to document and record rights violations in the state, which reflect more than a century of omission by the authorities, and took the complaints to Brazilian and international authorities, including the International Human Rights Protection System. In 2013, we carried out a survey with Cimi and a group of researchers to investigate socio-economic factors and assess food and nutritional insecurity in three indigenous communities in Mato Grosso do Sul. The results were published

in 2016 in the report *The Human Right to Adequate Food and Nutrition of the Guarani and Kaiowá People: A Holistic Approach*. The study was the basis for a petition to the Inter-American Commission on Human Rights (IACHR) in 2016, presented jointly with FIAN International, Cimi, Justiça Global and Aty Guasu.

In 2021, a technical note commissioned by three researchers showed how the pandemic has worsened food and nutritional insecurity in the Guarani and Kaiowá territories. The work reiterated the findings of the survey completed five years earlier. The authors point out the centrality of land regularization and support for agroecological production in order to build a dignified and sovereign life.

With this in mind, a case study was carried out in the Te'yikue Village in Caarapó, combining diagnosis and support for local initiatives under the National School Meals Program. The fieldwork carried out in April 2022 gave rise to a documentary (also subtitled in English and Spanish) and publications, available at fianbrasil.org.br/pnaeGK. The organization also takes part in meetings of Catrapovos, an initiative to promote the adoption of traditional food in indigenous schools and quilombola, extractivist and caiçara communities, among others.

This document presents a summary of the results of the food and nutritional insecurity survey carried out in 2023, which reassessed the situation of the three territories visited in 2013 and included two other communities in the diagnosis.

# About FIAN International

IAN International is an organization that has been defending the human right to adequate food and nutrition since 1986. Through its national sections and various international networks, it carries out its work in more than 50 countries.

Over three decades, it has supported more than 700 cases against Dhana violations around the

world, working with communities and grassroots movements to fight for their human rights.

FIAN International has consultative status with the UN Human Rights Council and is active in international bodies such as the Committee on World Food Security and the OAS Inter-American Human Rights System.

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Access this executive summary (in Portuguese and English), the report, and a synthesised document

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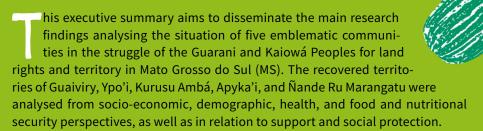


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The first three communities had been addressed in a 2013 study that found that 100% of the interviewed families (96 households) experienced some degree of food and nutrition insecurity (FNi). The results of this work were published in 2016.

The report shows the direct relationship between hunger and FNI with the violence and insecurity experienced by families removed from their traditional territories, also highlighting the impacts of discrimination and lack of access to fundamental public policies. The document supported a petition to the Inter-American Commission on Human Rights (IACHR) with demands related to territorial rights, life, personal integrity, judicial guarantees and protections, and other civil, political, and social rights of the Guarani and Kaiowá Peoples.

The consequences of non-demarcation are especially concerning in the context of a state that has the third-largest indigenous population in Brazil, of which approximately 60% live in territories that are not recognised.

In 2021, a technical note showed how the pandemic had worsened living conditions in Guarani and Kaiowá areas, pointing out the centrality of land regularisation and support for agroecological production.

Applying the Adapted Brazilian Food Insecurity Scale (Ebia) – which has been done only a few times among Indigenous Peoples in our country – this work shows an improvement compared to the indices of ten years ago. However, it alerts to the weight of income transfer programs and basic food baskets in this scenario; to the absence of territories in full food security overall; and to the absence of public policies promoting the human right to adequate food and nutrition (RtFN). It also draws attention to the ongoing violations of human rights against these Peoples.

The authors conclude that the guarantee of the RtFN for the Guarani and Kaiowá will only occur through a combination of cosmological and institutional elements strengthened by the demarcation of indigenous lands.













